

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRYON K. RUSS, SR.,

Petitioner,

-v-

9:13-CV-1270

BRIAN FISCHER, Commissioner of  
Corrections,

Respondent.

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APPEARANCES:

OF COUNSEL:

BRYON K. RUSS, SR.  
01-B-0452  
Petitioner pro se  
Clinton Correctional Facility  
P.O. Box 2002  
Dannemora, NY 12929

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Respondent  
120 Broadway  
New York, NY 10271

LISA E. FLEISCHMANN, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Petitioner Bryon K. Russ, Sr. brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 9, 2014, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied

and dismissed. Petitioner timely filed objections to the Report-Recommendation. Respondent filed a letter brief urging adoption of the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which petitioner objected, the Report-Recommendation is adopted in whole. See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

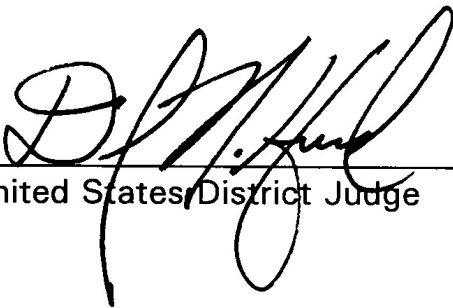
Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is DENIED and DISMISSED; and
2. The Clerk is directed to close the file.

Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

IT IS SO ORDERED.



United States District Judge

Dated: July 8, 2014  
Utica, New York.